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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,839	10/23/2000	Takashi Kitade	L9289.00106	8607

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STEVENS DAVIS MILLER & MOSHER LLP
1615 L Street NW Suite 850
Washington, DC 20036

EXAMINER

FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,839

Applicant(s)

KITADE, TAKASHI

Examiner

Jamal A Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/693839.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by (U.S. Patent No. 5,768,264) to Anderson et al. Referring to claim 1, Anderson et al. discloses a TDMA-TDD transmission/reception apparatus (col. 3 lines 28-40) comprising: detector (user station 102, col. 11 lines 43-53) for detecting propagation (reciprocal propagation, col. 11 lines 45-53) conditions (path loss, col. 11 lines 40-53) for a plurality of base stations (base station 104, col. 11 lines 40-53 and Fig. 1C) which receive an dedicated traffic channel signal (control pulse, col. 11 lines 45-50); selector (user station 102, col. 10 lines 38-56) for selecting the base station (base station 104, col. 10 lines 38-56) with an optimal propagation condition (spatial diversity control, col. 10 lines 52-56) from among the plurality of base stations (base station 104, col. 10 lines 38-56) as the transmission destination (col. 10 lines 38-47) of the dedicated traffic channel signal (control pulse 215, col. 10 lines 38-56); transmitter (it is understood that user station 102 has a transmitter, col. 10 lines 35-37 and col. 10 lines 57-60) for transmitting the dedicated traffic channel signal (control pulses 215, col. 10 lines 35-37 and col. 10 lines 57-60) only to the base station (Fig. 1C ref. sign 104 and respective

portions of the specification) selected by said selector (Fig. 1C ref. sign 102 and respective portions of the specification).

Referring to claim 3, Anderson et al. discloses the TDMA-TDD transmission/reception apparatus (col. 3 lines 28-40) according to claim 1, wherein the detector detects propagation (reciprocal propagation, col. 11 lines 45-53) conditions (path loss, col. 11 lines 40-53) using the transmission level (power control, col. 9 line 5 - col. 10 line 31) of dedicated traffic channel signals (control pulse, col. 9 line 5 - col. 10 line 31) from a plurality of base stations (base station 104, col. 9 line 5 - col. 10 line 31) and the reception level of dedicated traffic channel signals (control pulse, col. 9 line 5 - col. 10 line 31) transmitted by the plurality of base stations (base station 104, col. 9 lines 44-55).

Referring to claim 5, Anderson et al. discloses a communication terminal apparatus equipped with a TDMA-TDD based transmission/reception apparatus (col. 3 lines 28-40), said TDMA-TDD based transmission/reception apparatus comprising: detector (user station 102, col. 11 lines 43-53) for detecting propagation (reciprocal propagation, col. 11 lines 45-53) conditions (path loss, col. 11 lines 40-53) for a plurality of base stations (base station 104, col. 10 lines 38-56) which receive an dedicated traffic channel signal (control pulse, col. 11 lines 45-50); selector (user station 102, col. 10 lines 38-56) for selecting the base station (base station 104, col. 10 lines 38-56) with an optimal propagation condition (spatial diversity control, col. 10 lines 52-56) from among the plurality of base stations (base station 104, col. 10 lines 38-56) as the

Art Unit: 2664

transmission destination (col. 10 lines 38-47) of the dedicated traffic channel signal (control pulses 215, col. 10 lines 35-37 and col. 10 lines 57-60); and transmitter (it is understood that user station 102 has a transmitter, col. 10 lines 35-37 and col. 10 lines 57-60) for transmitting the dedicated traffic channel signal (control pulses 215, col. 10 lines 35-37 and col. 10 lines 57-60) only to the base station (Fig. 1C ref. sign 104 and respective portions of the specification) selected by said selector (Fig. 1C ref. sign 102 and respective portions of the specification).

Referring to claim 6, Anderson et al. discloses a base station that carries out a radio communication with a communication terminal apparatus equipped with a TDMA-TDD based transmission/reception apparatus (col. 3 lines 28-40), said TDMA based transmission/reception apparatus comprising: detector (user station 102, col. 11 lines 43-53) for detecting propagation (reciprocal propagation, col. 11 lines 45-53) conditions (path loss, col. 11 lines 40-53) for a plurality of base stations (base station 104, col. 10 lines 38-56) which receive an dedicated traffic channel signal (control pulse, col. 11 lines 45-50); selector (user station 102, col. 10 lines 38-56) for selecting the base station (base station 104, col. 10 lines 38-56) with an optimal propagation condition (spatial diversity control, col. 10 lines 52-56) from among the plurality of base stations as the transmission destination (col. 10 lines 38-47) of the dedicated traffic channel signal (control pulses 215, col. 10 lines 35-37 and col. 10 lines 57-60); and transmitter (it is understood that user station 102 has a transmitter, col. 10 lines 35-37 and col. 10 lines 57-60) for transmitting the dedicated traffic channel signal (control pulses 215, col. 10 lines 35-37 and col. 10 lines 57-60) only to the base station (Fig. 1C ref. sign 104

and respective portions of the specification) selected by said selector (Fig. 1C ref. sign 102 and respective portions of the specification).

Referring to claim 7, Anderson et al. discloses a TDMA-TDD based transmission/reception method (col. 3 lines 28-40) comprising: detecting step (user station 102, col. 11 lines 43-53) of detecting propagation (reciprocal propagation, col. 11 lines 45-53) conditions (path loss, col. 11 lines 40-53) for a plurality of base stations (base station 104, col. 10 lines 38-56) which receive an dedicated traffic channel signal (control pulse, col. 11 lines 45-50); selecting step (user station 102, col. 10 lines 38-56) of selecting the base station (base station 104, col. 10 lines 38-56) with an optimal propagation condition (spatial diversity control, col. 10 lines 52-56) from among the plurality of base stations (base station 104, col. 10 lines 38-56) as the transmission destination (col. 10 lines 38-47) of the dedicated traffic channel signal (control pulses 215, col. 10 lines 35-37 and col. 10 lines 57-60); and transmitting step (it is understood that user station 102 has a transmitter, col. 10 lines 35-37 and col. 10 lines 57-60) of transmitting the dedicated traffic channel signal (control pulses 215, col. 10 lines 35-37 and col. 10 lines 57-60) only to the base station (Fig. 1C ref. sign 104 and respective portions of the specification) selected by said selecting step (Fig. 1C ref. sign 102 and respective portions of the specification).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al.

Referring to claim 2, Anderson et al. discloses the TDMA-TDD transmission/reception apparatus (col. 3 lines 28-40) according to claim 1, wherein the detector detects propagation (reciprocal propagation, col. 11 lines 45-53) conditions (path loss, col. 11 lines 40-53) using the transmission level (power control, col. 9 line 5 - col. 10 line 31), but does not explicitly teach of common control channel signals by a plurality of base stations and the reception level of common control channel signals transmitted by the plurality of base stations. However, Anderson et al. discloses RF channels within minor frames 202, which comprises polling exchanges for user stations (col. 10 lines 54-56). Furthermore, Anderson et al. discloses a D field 208 which may comprise control information to be communicated between base stations 104 and user stations 102 once a communication link is established (col. 7 line 65 - col. 8 line 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included common control channel signals by a plurality of base stations and the reception level of common control channel signals transmitted by the plurality of base stations to the invention of Anderson et al. in order to achieve power control as suggested by Anderson et al.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. in view of Watanabe et al.

Referring to claim 4, Anderson et al. discloses the TDMA-TDD based transmission/reception apparatus (col. 3 lines 28-40) according to claim 1, wherein the transmitter transmits an dedicated traffic channel signal (control pulse, col. 9 line 5 - col. 10 line 31), but does not explicitly teach of the transmit power value set with an open loop using the propagation condition from each base station to the base station selected by the selector. However, Watanabe et al. discloses the transmit power value set with an open loop using the propagation condition from each base station to the base station selected by the selector (col. 1 line 65 – col. 2 line 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the transmit power value set with an open loop using the propagation condition from each base station to the base station selected by the selector of Watanabe et al. to the invention of Anderson et al. in order to allow for a power control sequence that may be effectively carried out in a relatively short span of time, thereby allowing open loop power control as suggested by Anderson et al.

Conclusion

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Application/Control Number: 09/693,839

Page 9

Art Unit: 2664

J.A.F.

Jamal A. Fox

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600